

IC 22-3-11

Chapter 11. Residual Asbestos Injury Fund

IC 22-3-11-1

Creation; administration; use of fund

Sec. 1. (a) There is created a special fund known as the residual asbestos injury fund (referred to as "the fund" in this chapter) for the purpose of providing compensation to employees who become totally and permanently disabled from an exposure to asbestos while in employment within Indiana and who are eligible for benefits under section 3 of this chapter (expired August 1, 2007, and repealed) and not eligible for benefits under IC 22-3-7. The fund shall be administered by the worker's compensation board (referred to as "the board" in this chapter).

(b) The fund is not a part of the general fund. Money in the fund at the end of a particular fiscal year and interest accruing from the investment of the money does not revert to the state general fund. The fund shall be used only for the payment of awards of compensation and expense of medical examinations made and ordered by the board and chargeable against the fund under this section and shall be paid for that purpose by the treasurer of state upon award or order of the board.

As added by P.L.224-1985, SEC.5. Amended by P.L.28-1988, SEC.66; P.L.3-2008, SEC.157.

IC 22-3-11-2

Assessments; deposit in fund

Sec. 2. (a) This section applies to:

- (1) each insurance carrier insuring employers who may be or who are liable under IC 22-3-2 through IC 22-3-7 to pay compensation; and
- (2) each employer carrying its own risk to pay compensation under IC 22-3-2 through IC 22-3-7.

(b) Before August 1, 1985, and April 10 in all subsequent years, each insurance carrier described in subsection (a)(1) and each employer described in subsection (a)(2) shall pay to the board for deposit in the fund the assessment specified in subsection (c):

- (1) until the initial balance in the fund is equal to or greater than two hundred thousand dollars (\$200,000); and
- (2) after the initial balance in the fund satisfies subdivision (1), only if the balance in the fund on April 1 of the year of the assessment is less than fifty thousand dollars (\$50,000).

(c) An assessment required under subsection (b) equals one-half of one percent (0.5%) of the total amount of worker's compensation and occupational diseases benefits paid to injured employees or their beneficiaries during the calendar year immediately preceding the due date of the assessment.

As added by P.L.224-1985, SEC.5. Amended by P.L.28-1988, SEC.67.

IC 22-3-11-3

Repealed

(Repealed by P.L.3-2008, SEC.269.)

IC 22-3-11-4

Repealed

(Repealed by P.L.3-2008, SEC.269.)

IC 22-3-11-5

Expert medical testimony

Sec. 5. The board may secure expert medical testimony as it considers necessary at the expense of the fund to protect the fund against questionable claims for benefits.

As added by P.L.224-1985, SEC.5.

IC 22-3-11-6

Repealed

(Repealed by P.L.3-2008, SEC.269.)